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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,207	03/28/2001	Brewster P. Kahle	ALEXA1.003A	3849
20995	7590	05/19/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			MCALLISTER, STEVEN B	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3627	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,207

Applicant(s)

KAHLE ET AL.

Examiner

Steven B. McAllister

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/22/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

It is noted that claims 46-65 and 67-85 recite additional data structure of the form and functionalities of the system, but are not further limiting on the apparatus (the system of claims 45-65 is interpreted as apparatus claims in order to be consistent with 35 USC 101) or the method since they typically do not recite additional apparatus elements or method steps. However, in order to promote compact prosecution, the claims have been treated below as if they did provide further limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-85 are rejected under 35 U.S.C. 103(a) as being obvious over Burner et al (6,282,548) in view of RUSure.com web pages.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed

Art Unit: 3627

in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

As to claim 45, Burner shows a client program on the user computer presenting supplementary information associated with the web pages; a data server that in coordination with the client program implement a service in which when a first user access a web page describing a product, the user has an option to provide information about the product, and when a second user accesses the page subsequently, the user is provided the option of viewing the information. Burner does not show that the form requests specific data about the product. RUSure.com shows requesting specific data, comprising providing and submitting that you would like information regarding the lowest prices on the product to be available to others. It would have been obvious to one of ordinary skill in the art to modify system of Burner as taught by RUSure.com in order to provide information on the lowest price to others via annotation to the web page.

As to claim 66, it is noted that the apparatus of Burner in view of RUSure.com accomplishes all claimed steps, including monitoring a first user's web browsing to detect that a web page accessed has a description of a product.

As to claims 46,47, 49, 50, 51, 65, 67, 69, 70, 84 and 85, it is noted that all elements are shown.

As to claims 52, 71, 72, Burner in view of RUSure.com provides for entry of recommendations associated with the first product comprising suggestion of the least expensive places to buy the product.

As to claims 53, 61,74 and 82, Burner in view of RUSure.com show all elements except providing for voting regarding the value of a recommendation. However, providing such a functionality is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to provide the ability to vote regarding the value of the recommendation in order to aid others in deciding how much weight to give the recommendation.

As to claims 59, 60, 62, 75, 80, 81, it is noted that Burner in view of RUSure.com show all elements since the form has a field for the url of the websites selling the product for the lowest prices comprising clickable hyperlinks.

As to claims 48 and 68, Burner in view of RUSure.com shows all elements except analyzing the web pages via the client program. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the method of Burner by performing the analysis at the client in order to reduce the load on the server.

As to claims 55-58, 73 and 76-79, Burner in view of RUSure.com show all elements except providing for suggesting related products, providing a web page and text regarding the recommendation and rating the recommendation. However, to

Art Unit: 3627

provide this information is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of Burner by providing this additional functionality in order to provide aid to identify items that might be needed or wanted in addition to the recommended item.

As to claims 63 and 83, Burner in view of RUSure.com shows all elements except that the shopping cart is independent of the web page. However, to provide an independent shopping cart is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to do so in order to facilitate identifying orders which are placed using the service.

As to claim 64, Burner in view of RUSure.com shows all elements except that the links are auction links. However, it is notoriously old and well known in the art to provide links to auctions for an item. It would have been obvious to one of ordinary skill in that art to modify the method of Burner by doing so in order to provide a broader array of purchasing options.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone

Art Unit: 3627

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister

Steven B. McAllister
Primary Examiner
Art Unit 3627

STEVE B. MCALLISTER
PRIMARY EXAMINER